

Notice of Allowability

Application No.

09/226,107

Examiner

Joseph R. Pokrzywa

Applicant(s)

WATANABE ET AL.

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/29/05.
2. ☒ The allowed claim(s) is/are 1-33 (renumbered as claims 1-14, 16-22, 24, 26-32, 15, 23, 24 and 33, respectively).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 11/7/01.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 11/7/01.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Joseph R. Pokrzywa
JOSEPH R. POKRZYWA
PRIMARY EXAMINER
ART UNIT 2622

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 3/29/05, and has been entered and made of record. Currently, **claims 1-33** are pending.

Response to Arguments

2. Applicant's arguments, see pages 11-13, filed 3/29/05, with respect to the rejection of independent claims 1, 21, and 22, which were cited in the Office action dated 12/29/04 as being anticipated by Takano (U.S. Patent Number 5,790,922) have been fully considered and are persuasive. The examiner concedes that Takano fails to expressly disclose of providing a space above the recording section when the reading section pivots away, leaving the recording section exposed outside through the space. Therefore, the rejections of claims 1-22 have been withdrawn.

Allowable Subject Matter

3. **Claims 1-33** are allowed (renumbered as **claims 1-14, 16-22, 24, 26-32, 15, 23, 25, and 33, respectively**).

4. The following is an examiner's statement of reasons for allowance:

Regarding *claims 1, 21, and 22 (renumbered claims 1, 22, and 24, respectively)*, in the examiner's opinion, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to have the multi-functional device, as claimed, with the reading section

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pivots away from a recording section such that the front edge moves forward and downward, a space is provided above the recording section, and the recording section is exposed outside through the space. The closest prior art, previously noted as Takano (U.S. Patent Number 5,790,922), and Takano *et al.* (U.S. Patent Number 6,078,765), and the newly cited Eki *et al.* (U.S. Patent Number 5,860,044), each fail to particularly teach this feature. As discussed above, Takano'922 fails to expressly disclose of providing a space above the recording section when the reading section pivots away, leaving the recording section exposed outside through the space. Takano'765 fails to expressly disclose of providing a space above the recording section when the reading section pivots away. Eki fails to expressly disclose of the reading section pivoting away from the recording section such that the front edge moves forward and downward. Because of these reasons, the claims are rendered allowable

Regarding ***claim 23 (renumbered claim 26)***, in the examiner's opinion, it would not have been obvious at the time the invention was made to have the multi-functional device, as claimed, include the features of having the document discharge tray initially move integrally with the pivoting movement of the reading section, and after the document discharge tray has moved integrally with the pivoting movement of the reading section for a predetermined angle, the document discharge tray pivots in a direction opposite the pivoting direction of the reading section as the reading section pivots further. The closest prior art, Tanoue *et al.* (U.S. Patent Number 5,884,117), indicated in the Office action dated 5/5/03, teaches of the document discharge tray initially moving integrally with the pivoting movement of the reading section (seen as path D in Fig. 2), but fails to teach of the document discharge tray pivoting in a direction opposite the pivoting direction of the reading section as the reading section pivots further.

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Because of this feature, which was added in the amendment dated 10/22/03, the claim is rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Drawings

5. The drawings filed on 1/7/99 are acceptable subject to correction of the informalities indicated on the "Notice of Draftsperson's Patent Drawing Review," PTO-948, being part of Paper No. 6, dated 11/7/01, as well as correction of Fig. 3, with the proposed change in the response dated 2/7/02 being approved by the examiner. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Citation of Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Eki *et al.* (U.S. Patent Number 5,860,044) discloses an image forming device having a pivotable upper portion.

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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa
Primary Examiner
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